



FH

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/165675

PRELIMINARY RECITALS

Pursuant to a petition filed April 23, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a telephonic hearing was held on May 13, 2015, at Milwaukee, Wisconsin. At the request of petitioner, the record was held open until June 9, 2015 for the submission by petitioner of new medical evidence from petitioner's orthopedic surgeon or other physician regarding her left shoulder. The petitioner failed to submit any physician letter to DHA by June 9, 2015 or even by the date of this decision.

The issue for determination is whether the Department correctly denied petitioner's prior authorization (PA) request for an MRI (magnetic resonance imaging) of her left shoulder without contrast.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Marcie Oakes, RN nurse consultant
Division of Health Care Access and Accountability
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a 40 year old resident of Milwaukee County who is certified for MA.
2. During her April 8, 2015 appointment and examination with [REDACTED], an x-ray was done of petitioner's left shoulder area. On April 14, 2015 at a follow up appointment, petitioner was informed that her x-ray was negative for abnormal findings regarding her left shoulder. There was also not an acute fracture or dislocation. The petitioner's acromioclavicular and glenohumeral joints are well-maintained, and the soft tissues were unremarkable. Petitioner continues to have pain intermittently in her left shoulder.
3. During that April 14, 2015 appointment, the petitioner's provider, [REDACTED] requested prior approval (PA) for an MRI of petitioner's left shoulder without contrast due to pain.
4. On or about April 16, 2015, the Division of Health Care Access and Accountability (Division) sent a notice to the petitioner denying her request for an MRI of her left shoulder without contrast material.
5. The reasons for the MRI denial of petitioner's left shoulder are the following: a) the PA did not document any sufficient conservative treatment(s) for petitioner's left shoulder pain; b) petitioner has not undertaken any regiment of NSAIDS, bracing/immobilization, oral steroids, injection or a physician directed home exercise program or physical therapy for treatment of her left shoulder; c) the petitioner's x-ray of her left shoulder was negative for abnormal findings; and d) petitioner had not completed a trial of at least six weeks of physician-directed care and clinical re-evaluation of her left shoulder pain prior to the MRI prior authorization request.
6. The petitioner had not completed an MRI of her left shoulder as of the May 13, 2015 hearing date.

DISCUSSION

Medical assistance covers physician-prescribed diagnostic services if they are consistent with good medical practices. Wis. Adm. Code, §§ DHS 107.06(1) and 107.25. In an effort to ensure that CT, MRI, and PET scans are consistent with good medical practice, the Division of Health Care Access and Accountability requires prior authorization before paying for them. It announced this requirement to providers in October 2010 through *MA Update*, #2010-92.

The petitioner requested an MRI to investigate her complaints of intermittent left shoulder pain. During the hearing, the petitioner was unnecessarily argumentative, but admitted that she had completed an x ray. She did not dispute that the x-ray of her left shoulder was negative for abnormal findings. Petitioner admitted that she has not taken any NSAID medications, not participated in any physical therapy or any physician supervised exercise program, and has not tried any bracing, oral steroids, or injection of her shoulder. The Division denied the petitioner's PA request for the reasons set forth in Finding of Fact #5 above. The petitioner was unable to refute any of the Department's reasons for the denial of her PA request. Based on the guidelines, I must find that DHCAA correctly denied the petitioner's April, 2015 PA request for an MRI of her left shoulder.

CONCLUSIONS OF LAW

The Division of Health Care Access and Accountability correctly denied petitioner's April, 2015 PA request for an MRI of her left shoulder without contrast because petitioner did not complete any of the recommended conservative treatments, and the PA request did not document that petitioner had completed a trial of at least six weeks of physician-directed home exercise or physical therapy prior to the MRI prior authorization request.

THEREFORE, it is

ORDERED

The petition for review herein be and the same is hereby Dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 4th day of August, 2015

\sGary M. Wolkstein
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on August 4, 2015.

Division of Health Care Access and Accountability